

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:24-CV-00783-FDW-DCK**

STEVEN BOLCH, et al.,

Plaintiffs,

vs.

ROY COOPER, et al.,

Defendants.

**DEFENDANTS JOHNSTON COUNTY AND
JOHNSTON COUNTY DEPARTMENT OF
SOCIAL SERVICES' MOTION TO
DISMISS PLAINTIFFS' AMENDED CLASS
ACTION COMPLAINT**

NOW COME Defendants Johnston County (“County”) and Johnston County Department of Social Services (“Johnston DSS”) (collectively, “Johnston Defendants”), by and through the undersigned counsel, and pursuant to Rules 12(b)(1), 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, hereby move the Court to dismiss with prejudice all claims against Johnston Defendants in the Amended Complaint. (D.E. 37.) Specifically, as and for the basis of their motion, and as set out more fully in the Memorandum of Law filed contemporaneously herewith, Johnston Defendants contend: (1) the Court lacks subject matter jurisdiction, as Johnston Plaintiffs next friend, Daria Barazandeh, lacks standing; (2) Johnston DSS lacks capacity to be sued under North Carolina law; (3) Plaintiffs fail to state claims under the Americans With Disabilities Act, Rehabilitation Act, and *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658 (1978); and (4) the Adoption Assistance and Child Welfare Act and North Carolina Social Services Law do not confer private rights of action.

WHEREFORE, Johnston Defendants respectfully request the Court allow their motion to dismiss and dismiss all claims against them in the Amended Complaint with prejudice.

This the 21st day of January, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record. I further certify that I have this day served all remaining parties or their attorneys pursuant to Rule 5(b)(2)(C) of the Federal Rules of Civil Procedure via first-class mail, postage prepaid, addressed to the following non-CM/ECF participants:

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This the 21st day of January, 2025.

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